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10/670,099	09/22/2003	Andrew R. Volk	694231.0118	6282

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EXAMINER

LE, MIRANDA

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,099

Applicant(s)

VOLK ET AL.

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment, filed 07/17/06.
2. Claims 1-17, 20-36 are pending in this application. Claims 1, 4, 7, 12, 17, 24, 25, 28, 31 are independent claims. In the Amendment, claims 25-36 have been added, and claims 1, 4, 7, 12, 17, 24, 25, 28, 31 have been amended. This action is made Final.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".

4. Claims 1-17, 20-36 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

(a) Claims 1, 4, 7, 12, 24, 25, 28, 31 define non-statutory processes because fail to provide a practical application that produces tangible results. The last step of these claims recites a mapping/filtering step, which does not enable the usefulness to be realized. Since mere mapping/filtering is not a tangible result, the claims fail to recite a tangible result as the mapping/filtering step is not tangible.

Claims 2-3, 20-23; 5-6; 8-11, 34; 13-16, 35; 26-27; 29-30; 32-33 incorporate the deficiencies of claims 1, 4, 7, 12, 25, 28, 31, respectively, and do not add tangibility to the claimed subject matter, they are likewise rejected.

(b) Claim 17 has the same type of issues as (a) therefore, is rejected under similar rationale. Plus, the specification, paragraph [0134], defines "computer-readable medium" as including both storage media (i.e., ROM, RAM) and communication media

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(i.e., carrier waves). A computer-readable medium including a carrier wave, or signal, is non-statutory subject matter as set forth in MPEP 2106 (IV)(B)(2)(a). As such, claim 17 is not limited to tangible embodiments, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim 36 incorporates the deficiencies of claim 17 and does not add tangibility to the claimed subject matter, it is likewise rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-17; 20-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Risan et al. (US Pub. No. 20040103297).

Risan anticipated independent claims 1, 4, 7, 12, 17, 24, 25, 28, 31 by the following:

As per claim 1, Risan teaches a system for providing media content in a network comprising one or more servers configured to:

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generate an interface at a site on said network for display on a user computer (*i.e. Skins 306 are customizable interfaces that, in one embodiment, are displayed on a display device (e.g., 105) of computer system 210 and provide functionalities for user interaction of delivered media content, [0055]) ([0034; 0059]);*

define a set of metadata attribute (*i.e. key fields, [0046]; identifiers, media content titles, [0091]) relating to media files to be displayed in specific locations in said interface (i.e. the play list includes one or more identifiers associated with the desired media content that can include, [0091]) ([0102]);*

compile a plurality of media files (*i.e. media content file, [0046]) for user with said interface ([0102]);*

associate metadata attributes from the set of metadata attributes with each of said plurality of media files (*i.e. The media content play list provided to client computer system 210 by web server 250 can enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]);*

map each of said associated metadata attributes to a respective predetermined location in said interface, so that in said interface for said user each of said associated metadata attributes appears as its respective predetermined location in said interface for each of said media files of said plurality (*i.e. the play list includes one or more identifiers associated with the desired media content that can include, but is not limited to, a song, an audio clip, a video clip, a picture, a multimedia clip, an alphanumeric document, or particular portions thereof, [0091]).*

As per claim 4, Risan teaches a system for providing media content in a network comprising one or more servers configured to:

associate metadata attributes form within a defined set of metadata attributes with a plurality of media files (*i.e. key fields, [0046]; identifiers, media content titles, [0091]*);

utilize the metadata attributes to map the plurality of media files to an interface (*i.e. The media content play list provided to client computer system 210 by web server 250 can enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]), ([0102]); and*

map each of said associated metadata attributes to a respective predetermined location in said interface, such that each of said associated media attributes appears in its respective predetermined location in said interface for each media file of said plurality of media files (*i.e. the play list includes one or more identifiers associated with the desired media content that can include, but is not limited to, a song, an audio clip, a video clip, a picture, a multimedia clip, an alphanumeric document, or particular portions thereof, [0091]*).

As per claim 7, Risan teaches a method of providing media to a plurality of users over a network comprising:

compiling a data file that contains one or more unique identifiers (*i.e. user ID, [0091]*) which identify one or more media files (*[0087-0097]*);

determining whether a user-selectable autoplay function is engaged for a given one of said plurality of users (*[0091]*);

in a case that the autoplay function is determined to be engaged, determining a sequence in which said user is to experience media content corresponding to one or more media files based on an ordering of said unique identifiers in the data file (*i.e. enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]*) ([0075]); and

in a case that the autoplay function is determined to be disengaged, determining the sequence in which said user is to experience media content corresponding to said one or more media files based on input from the user and without regard to the ordering of said unique identifiers in the data file (*i.e. the received media content play list can include a random media content delivery choice that the user of client computer system 210 can transmit to web server 250, with the user ID, to request delivery of the media content in a random manner, [0091]*).

As to claims 12, 17, Risan teaches a system for providing media content to a plurality of users comprising one or more servers configured to:

compile a data file that contains one or more unique identifiers (*i.e. user ID, [0091]*) which identify one or more pieces of content ([0087-0097]);

determining whether a user-selectable autoplay function is engaged for a given one of said plurality of users ([0091]);

in a case that the autoplay function is determined to be engaged, determining a sequence in which said user is to experience media content corresponding to said one or more pieces of content based on an ordering of said unique identifiers in the data file (*i.e.*

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enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]) ([0075]); and

in a case that the autoplay function is determined to be disengaged, determining the sequence in which said user is to experience media content corresponding to said one or more pieces of content based on input from the user and without regard to the ordering of said unique identifiers in the data file *(i.e. the received media content play list can include a random media content delivery choice that the user of client computer system 210 can transmit to web server 250, with the user ID, to request delivery of the media content in a random manner, [0091]).*

As per claim 24, Risan teaches a method of providing media content in a network comprising the steps of:

generating an interface at a site on said network for display on a user computer *(i.e. Skins 306 are customizable interfaces that, in one embodiment, are displayed on a display device (e.g., 105) of computer system 210 and provide functionalities for user interaction of delivered media content, [0055]) ([0034; 0059]);*

authenticating said user's authorization to access certain media content *(i.e. username and password, [0044-0045]) ([0087-0097]);*

defining a set of media attributes relating to media files to be displayed in specific locations in said interface *([0087-0097]);*

compiling a plurality of media files for use with said interface, wherein said plurality of media comprises only the user's authorized media content *(i.e. the received media content play list can include a random media content delivery choice that the user*

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of client computer system 210 can transmit to web server 250, with the user ID, to request delivery of the media content in a random manner, [0091]) ([0044-0045]) ([0087-0097]);

associating media attributes with each of said plurality of media files, wherein the metadata attributes comprises a title for each media file (*i.e. media content titles, [0091]*);

mapping each of said associated metadata attributes to a respective predetermined location in said interface, so that in said interface for said user each of said associated metadata attributes appears at its respective predetermined location in said interface for each media file of said plurality (*i.e. the play list includes one or more identifiers associated with the desired media content that can include, but is not limited to, a song, an audio clip, a video clip, a picture, a multimedia clip, an alphanumeric document, or particular portions thereof, [0091]*).

As per claim 25, Risan teaches a system for providing media content in a network comprising one or more servers configured to:

generating an interface at a site on said network for display on a user computer (*i.e. Skins 306 are customizable interfaces that, in one embodiment, are displayed on a display device (e.g., 105) of computer system 210 and provide functionalities for user interaction of delivered media content, [0055]*), said interface comprising a region to display media content of a plurality of media files, selectable indicia corresponding to one or more playlist, a region to display indicia of each of said plurality of media files identified by a selected one of said playlist, and a region to display selectable indicia of an autoplay function configured to control an order in which each of said plurality of

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media files identified by a selected one of said playlist is to be experienced using said interface (*i.e. enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]; the received media content play list can include a random media content delivery choice that the user of client computer system 210 can transmit to web server 250, with the user ID, to request delivery of the media content in a random manner, [0091]) ([0065-0075; 0087-0097]);*

defining a set of metadata attributes (*i.e. key fields, [0046]; identifiers, media content titles, [0091]) to be displayed in specific location in said interface ([0065-0075; 0087-0097]);*

compile said plurality of media files (*i.e. the play list includes one or more identifiers associated with the desired media content that can include, [0091]) ([0102]);*

associate metadata attributes from the set of metadata attributes with each of said plurality of media files (*i.e. The media content play list provided to client computer system 210 by web server 250 can enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]);*

map each of said associated metadata attributes to a respective predetermined location in said interface, so that, in said interface for said user, each of said associated metadata attributes appears as its respective predetermined location in said interface for each media file of said plurality of media files (*i.e. the play list includes one or more identifiers associated with the desired media content that can include, but is not limited to, a song, an audio clip, a video clip, a picture, a multimedia clip, an alphanumeric document, or particular portions thereof, [0091]).*

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As per claim 28, Risan teaches a system for providing media content in a network comprising one or more servers configured to:

associate metadata attributes form within a defined set of metadata attributes with each of said plurality of media files (*i.e. The media content play list provided to client computer system 210 by web server 250 can enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]*);

utilize the metadata attributes to map the plurality of media files to an interface for display on a user computer (*i.e. Skins 306 are customizable interfaces that, in one embodiment, are displayed on a display device (e.g., 105) of computer system 210 and provide functionalities for user interaction of delivered media content, [0055]*), said interface comprising a region to display media content of said plurality of media files, selectable indicia corresponding to one or more playlists, a region to display indicia of each media file identified by a selected one or said playlists, and a region to display selectable indicia of an autoplay function configured to control an order in which each media file identified by a selected one of said playlists is to be experienced using said interface (*i.e. enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]*; *the received media content play list can include a random media content delivery choice that the user of client computer system 210 can transmit to web server 250, with the user ID, to request delivery of the media content in a random manner, [0091]*) ([0065-0075; 0087-0097]);

map each of said associated metadata attributes to a respective predetermined location in said interface, so that, in said interface for said user, each of said associated metadata attributes appears as its respective predetermined location in said interface for

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each media file of said plurality of media files (*i.e. the play list includes one or more identifiers associated with the desired media content that can include, but is not limited to, a song, an audio clip, a video clip, a picture, a multimedia clip, an alphanumeric document, or particular portions thereof, [0091]*).

As per claim 31, Risan teaches a method of providing media content in a network comprising the steps of:

generating an interface at a site on said network for display on a user computer (*i.e. Skins 306 are customizable interfaces that, in one embodiment, are displayed on a display device (e.g., 105) of computer system 210 and provide functionalities for user interaction of delivered media content, [0055]*), said interface comprising a region to display media content of a plurality of media files, selectable indicia corresponding to one or more playlist, a region to display indicia of each of said plurality of media files identified by a selected one of said playlist, and a region to display selectable indicia of an autoplay function configured to control an order in which each of said plurality of media files identified by a selected one of said playlist is to be experienced using said interface (*i.e. enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]; the received media content play list can include a random media content delivery choice that the user of client computer system 210 can transmit to web server 250, with the user ID, to request delivery of the media content in a random manner, [0091]*) ([0065-0075; 0087-0097]);

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defining a set of metadata attributes (*i.e. key fields, [0046]; identifiers, media content titles, [0091]*) to be displayed in specific location in said interface (*[0065-0075; 0087-0097]*);

compile said plurality of media files for use with said interface; (*i.e. the play list includes one or more identifiers associated with the desired media content that can include, [0091]*) (*[0102]*);

associate metadata attributes from the set of metadata attributes with each of said plurality of media files, wherein the metadata attributes comprises a title for each media file (*i.e. The media content play list provided to client computer system 210 by web server 250 can enable the user to create one or more customized play lists by the user selecting desired media content titles, [0091]*);

map each of said associated metadata attributes to a respective predetermined location in said interface, so that, in said interface for said user, each of said associated metadata attributes appears as its respective predetermined location in said interface for each media file of said plurality (*i.e. the play list includes one or more identifiers associated with the desired media content that can include, but is not limited to, a song, an audio clip, a video clip, a picture, a multimedia clip, an alphanumeric document, or particular portions thereof, [0091]*);

filtering said plurality of media files based on said user's authorization to access certain media content such that said user interface includes selectable indicia for only those media files corresponding to said certain media content (*i.e. by virtue of the media content being sent through device driver 307, thus effectively disabling unauthorized saving/recording of media files, [0063]*).

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As per claim 2, Risan teaches the plurality of media files is compiled from more than one source ([0069-0075]).

As per claim 3, Risan teaches the one or more servers are further configured to generate a media player interface for experiencing the media content ([0069-0075; 0087-0097]).

As per claim 5, Risan teaches a local database for storing the metadata attributes ([0087-0097]).

As to claims 6, 11, 16, Risan teaches the plurality of media files is provided by more than one source ([0069-0075]).

As per claim 8, Risan teaches the data file is automatically compiled based on some criteria ([0087-0097]).

As to claims 9, 14, Risan teaches the data file is automatically compiled based on criteria chosen by one of the plurality of users ([0087-0097]).

As to claims 10, 15, Risan teaches the data file is compiled manually ([0087-0097]).

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As per claim 13, Risan teaches the data file is automatically compiled ([0087-0097]).

As per claim 20, Risan teaches said metadata attributes comprise a title for the media file ([0069-0075; 0087-0097]).

As per claim 21, Risan teaches said metadata attributes comprise a description for the media file ([0065-0075; 0087-0097]).

As per claim 22, Risan teaches said metadata attributes comprise a duration for the media file ([0039]).

As per claim 23, Risan teaches said metadata attributes comprise an expiration date for the media file ([0039-0045]).

As to claims 26, 29, 32, Risan teaches said autoplay function is configured to control whether said order in which each of said plurality of media files identified by a selected one of said playlists or based on user input ([0065-0075; 0087-0097]).

As to claims 27, 30, 33, Risan teaches said user input comprises selection of one or more said indicia of said plurality of media files identified by a selected one of said playlists ([0065-0075; 0087-0097]).

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As to claims 34, 35, 36, Risan teaches determining media content other than said media content corresponding to said one or more files for said user to experience while waiting for said user input ([0073-0077]).

Response to Arguments

7. Applicant's arguments with respect to claims 1-17, 20-24 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

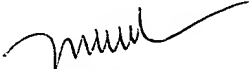
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Miranda Le
September 14, 2006


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